United Nations A/63/229

General Assembly

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Sixty-third session
Item 69 of the provisional agenda*
Report of the International Court of Justice

Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice

Report of the Secretary-General

I. Introduction

1. The present report is submitted pursuant to paragraph 16 of the Revised Terms of Reference, Guidelines and Rules of the Secretary-General's Trust Fund to Assist States in the Settlement of Disputes through the International Court of Justice (A/59/372, annex), and is subsequent to the report submitted to the General Assembly at its sixty-second session (A/62/171).

II. Mandate

2. The Trust Fund was established in 1989 under the Financial Regulations and Rules of the United Nations following consultations with the President of the International Court of Justice. In accordance with the Revised Terms of Reference, financial assistance is to be provided to States for expenses incurred in connection with (a) a dispute submitted to the Court by way of a special agreement, on the basis of Article 36, paragraph 1, of its Statute; (b) a dispute submitted to the Court by way of an application on the basis of Article 36, paragraphs 1 and 2, of its Statute, provided certain conditions are fulfilled (see A/59/372, annex, para. 6 (ii)); or (c) the execution of a judgment of the Court.

III. Beneficiaries

3. Subject to the requirements of paragraph 6 of the Revised Terms of Reference, an application for financial assistance from the Fund may be submitted by any State

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Member of the United Nations, any other State party to the Statute of the International Court of Justice or any State not party to the Statute of the Court having complied with Article 35, paragraph 2, of the Statute.

4. On 20 March 2007, the Secretary-General received an application from Djibouti to defray the expenses incurred in connection with proceedings instituted by Djibouti in the International Court of Justice in the case concerning *Certain Questions of Mutual Assistance in Criminal Matters* (Djibouti v. France). On the recommendation of the Panel of Experts established in accordance with paragraph 9 of the Terms of Reference of the Fund, the Secretary-General decided, on 3 October 2007, to award financial assistance to Djibouti in the amount of $290,500, the purpose of which was to defray the following expenses: costs of agents, counsel, experts or witnesses; staff costs; costs of reproduction of maps and production of technical documents; expenses incurred in connection with the memorial, counter-memorial and replies; costs of legal research; and costs incurred in connection with oral proceedings.

5. Upon presentation by Djibouti of the requisite documentation, an initial advance of $136,260 was forwarded on 28 January 2008.

6. During the period under review (1 July 2007 to 30 June 2008), the Fund did not receive any further applications for financial assistance.

IV. Contributions

7. Voluntary contributions to the Fund may be made by States, intergovernmental organizations, national institutions and non-governmental organizations, and by natural and juridical persons.

8. During the period under review, States contributed the following amounts, in United States dollars, to the Fund as follows:

State	*Amount*	*Financial year*
Finland	14 148	2007
Mexico	5 000	2007
Spain	40 338	2007
Venezuela (Bolivarian Republic of)	1 000	2007
United Kingdom of Great Britain and Northern Ireland	59 289	2008
Total	**119 775**	

9. As of 30 June 2008, the total balance of the Fund was $2,575,157.07. That amount includes interest income and excludes awards that have already been paid.

V. Needs assessment

10. The Fund was created with a view to facilitating a decision by parties to a dispute to seek judicial settlement of their dispute through the Court. I am grateful to the Governments of Finland, Mexico, Spain, the United Kingdom of Great Britain

and Northern Ireland and Venezuela (Bolivarian Republic of) for their generous contributions. I note, however, that in the period under review the amount of financial assistance awarded exceeds the amount of contributions by more than double. I also note that the overall number of contributions remains low. I therefore strongly urge all States and other relevant entities to give serious consideration to making substantial contributions to the Fund and to contribute on a regular basis.

VI. How to contribute

11. Voluntary contributions to the Fund can be made by bank transfer or by cheque to the order of the United Nations. Cheques should be sent to:

Cashier's Office
United Nations
New York, NY 10017
United States of America

The cheque should indicate that it is for the "ICJ Trust Fund", account code TJA.

12. For any additional information, please contact Ms. Tara Sarathy in the Office of the Legal Counsel, Office of Legal Affairs (telephone: 1 212 963 5484; fax: 1 212 963 6430).

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Sixty-third session
Item 117 (r) of the provisional agenda*
Cooperation between the United Nations and regional and other organizations: cooperation between the United Nations and the Organization of the Islamic Conference

Identical letters dated 8 August 2008 from the Chargé d' affaires a.i. of the Permanent Mission of Senegal to the United Nations addressed to the Secretary-General and the President of the General Assembly

I have the honour to transmit herewith the final communiqué of the emergency expanded ministerial meeting of the Executive Committee of the Organization of the Islamic Conference on the latest developments in the Sudan, which took place in Jeddah, Saudi Arabia, on 4 August 2008 (see annex).

I should be grateful if you would arrange for this letter and its annex to be circulated as a document of the General Assembly, under item 117 (r) of the provisional agenda, and of the Security Council.

(*Signed*) Coly **Seck**
Chargé d'affaires a.i.

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Annex to the identical letters dated 8 August 2008 from the Chargé d' affaires a.i. of the Permanent Mission of Senegal to the United Nations addressed to the Secretary-General and the President of the General Assembly

[Original: English and French]

Final Communiqué of the expanded ministerial meeting of the Executive Committee on the latest developments in the Sudan Jeddah, Kingdom of Saudi Arabia 3 Chaaban 1429 (4 August 2008)

An emergency ministerial meeting of the Executive Committee of the Organization of the Islamic Conference (OIC) convened on Monday, 4 August 2008, at the General Secretariat in Jeddah, Kingdom of Saudi Arabia, to discuss the attempt by the Prosecutor of the International Criminal Court to seek the indictment of President Omar Hassan Al-Bashir. The meeting, after extensive deliberations in which it recalled previous CFM resolutions and summit decisions on the Darfur conflict, agreed on the following:

1. The meeting expressed its full solidarity with the Sudan under the leadership of President Omar Hassan Ahmed Al-Bashir and stated its unflinching support for the various endeavours to achieve genuine national reconciliation, lasting peace and stability within the context of a sovereign and united country. In this context, the meeting appealed to the Sudanese parties and other stakeholders to recommit themselves to the revival of the peace process in Darfur and deal constructively with various initiatives in this regard.

2. The meeting reiterated its respect for the sovereignty, independence, territorial integrity and non-interference in the internal affairs of the Sudan, and called on all sections of the international community to do the same.

3. The meeting considered the recent application by the International Criminal Court Prosecutor for the indictment of President Omar Hassan Al-Bashir, as unwarranted and unacceptable, and expressed its deep concern that this action could seriously undermine the ongoing efforts aimed at facilitating the early resolution of the conflict in Darfur and the promotion of long-lasting peace and reconciliation in the Sudan. The meeting also expressed its deep concern that this action could further lead to greater destabilization for the country and the entire region.

4. The meeting urged the Security Council to suspend indefinitely the move by the Prosecutor directed against President Omar Hassan Al-Bashir and, in this respect decided that OIC should coordinate its efforts with the African Union, the League of Arab States, the Non-Aligned Movement and other political groupings to support steps in the United Nations and elsewhere aimed at defusing this dangerous situation and preventing its recurrence. In this context, the meeting instructed the OIC Group in New York to evolve best ways and means of tackling the issue during the sixty-third session of the General Assembly.

5. The meeting reaffirmed that any kind of selectivity and double standards in the application of principles of criminal justice and putting an end to impunity for crimes of genocide and crimes against humanity and war crimes will undermine vitality and may negatively affect the credibility of the International Criminal Court.

6. The meeting stressed that, in accordance with the Rome Statute, the International Criminal Court can only be complementary to national legal systems, which have the primary responsibility of investigating or prosecuting cases over which they have jurisdiction.

7. The meeting called on OIC member States and the international community to intensify their engagement for the peacebuilding efforts in Darfur. In this regard, it urged them to urgently contribute to reinforce the operations of the African Union-United Nations Hybrid Operation in Darfur (UNAMID), whose mandate has just been extended by the Security Council, as well as invest massively in support of improved humanitarian conditions, reconstruction and development in Darfur.

8. The meeting pledged its firm support for the newly appointed joint United Nations/African Union chief mediator on the Darfur conflict, Djibril Bassole, and urged the parties to extend full cooperation for the success of his mission.

9. The meeting noted with satisfaction the progress being made in the implementation of the Sudan/Chad Agreement brokered by the Chairman of the 11th session of the OIC summit, President Maitre Abdoulaye Wade of Senegal, and urged the two OIC member States to continue to respect their obligations, to promote good neighbourliness and facilitate the speedy resolution of the Darfur conflict within the framework of the Dakar Agreement of 13 March 2008. It also welcomed the recent efforts of President Abdoulaye Wade and the Libyan Leader Muammar Al-Gaddafi, which led to the restoration of diplomatic relations between the Sudan and Chad.

10. The meeting welcomed the joint efforts of the Government of the Sudan, the OIC Secretary-General and the IDB President to organize an OIC donors conference, which indicate the serious commitment of the Government of the Sudan towards achieving peace and development in Darfur, and called upon member States to participate effectively and contribute generously at the conference.

11. The meeting appealed to UNAMID and humanitarian aid agencies to remain focused on their mandate and continue to deliver their valuable assistance to the needy people of Darfur.

12. The meeting requested the OIC Secretary-General to transmit this final communiqué to the Secretary-General of the United Nations, the Presidents of the Security Council and of the General Assembly, through the OIC Ambassadors Group in New York, for circulation as an official document.